

## REMARKS

This is intended as a full and complete response to the Final Office Action dated February 6, 2006, having a shortened statutory period for response set to expire on May 6, 2006.

Claims 1-18 remain pending in the application and are shown above. Claim 19 has been cancelled. Reconsideration of the claims is requested for reasons presented herein.

### *Claim Objections*

Claim 8 is objected to because the phrase "is inserted" (line 4) should be changed to -- are inserted-- for proper grammatical form.

Applicants have amended the claim for clarification in accordance with the Examiner's comments.

### **35 U.S.C. § 103**

Claims 1-2, 5, 7-13 16, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Koves, et al. (U.S. 5,209,908)* in view of *Nagaoka (EP 0 483 975)*. The Examiner states that *Koves* inherently discloses side wall portions that "angle away from each other in a generally radially outward direction, at an included angle which is less than if they were truly radial." Further, the Examiner states that *Nagaoka* is presented to illustrate providing conduit members of a configuration capable of movement or removal.

Applicant respectfully traverses this rejection. *Koves* discloses flow distribution conduits for use in radial flow reactor. The flow distribution provided by the scallop shaped conduit is non-uniform and more flow will take place at the location on the scallops where their convex surface is closest to the center pipe. As a result, fluid contacts the particulate bed unevenly, thereby requiring the particulate bed to be replaced more frequently. *Koves* also generally states that the conduits may take on other shapes. However, this general statement does not rise to the level of inherent disclosure. A person of ordinary skill in the art would not necessarily recognize that this

general statement teaches "side wall portions ... being angled away from each other in a generally radially outward direction but at an included angle which is less than if they were truly radial relative to the axis of the vessel," as recited in claim 1 and claim 18. Indeed, the Federal Circuit has stated that inherency "does not embrace probabilities or possibilities."

*Nagaoka* discloses a device for holding catalyst in a radial flow reactor. *Nagaoka* is distinguishable in that multiple devices forming a cylinder are used to retain the catalyst and that it is spaced from the sidewall as illustrated in Figures 4 and 5. In fact, a stated object of the *Nagaoka* invention is to provide a cylindrical catalyst bed that having a uniform thickness. Thus, *Nagaoka* actually teaches away from side wall portions having an included angle because that would result in a non-uniform thickness cylinder, and thereby a non-uniform catalyst bed. Therefore, the references, neither alone nor in combination, teach, show, or suggest radially extending side wall portions ... angled away from each other in a generally radially outward direction but at an included angle which is less than if they were truly radial relative to the axis of the vessel, as recited in claim 1 and 18.

Additionally, the references, neither alone nor in combination, teach, show, or suggest end wall portions of the radially extending side wall portions of each conduit member are joined by an outer wall portion, as recited in claim 2.

Further, the references, neither alone nor in combination, teach, show, or suggest vertical sealing plates are attached to at least one side edge portion of the inner wall portion of at least some of said conduit members to prevent particulate material from moving into the space between adjacent conduit members, as recited in claim 14. Therefore, Applicant believes the claims are in condition for allowance and respectfully requests allowance of the same.

Claims 3-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Koves*, in view of *Nagaoka*, as applied to claim 1 above, and further in view of *Evans, et al.* (U.S. 5,118,419).

For the reasons discussed above with respect to claim 1, Applicant believes claims 3 and 4 are in condition for allowance.

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Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Koves* in view of *Nagaoka*, as applied to claim 1 above, and further in view of *Schuurman* (U.S. 4,540,547).

For the reasons discussed above with respect to claim 1, Applicant believes claim 6 is in condition for allowance.

Claims 14-15 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Koves* in view of *Nagaoka*, as applied to claims 1, 9, 11-13 and 16 above, and further in view of *Farnham* (U.S. 4,374,094).

For the reasons discussed above with respect to claim 1, Applicant believes claims 14-15 and 17 are in condition for allowance.

### **Conclusion**

The references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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